

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0384-MWD-E **TCEQ ID:** RN101523215 **CASE NO.:** 32931
RESPONDENT NAME: Diocese of Galveston-Houston

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Circle Lake Retreat Center, approximately seven miles southeast of the intersection of Farm-to-Market Road 1488 and State Highway 249, Montgomery County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 6, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Bob Schmidt, Director, Retreat Center, Diocese of Galveston-Houston, P.O. Box 1408, Pinehurst, Texas 77362 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 7, 2007</p> <p>Date of NOE Relating to this Case: March 8, 2007 (NOE)</p> <p>Background Facts: This was a routine records review. One violation was documented.</p> <p>WATER</p> <p>Failure to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 14218001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$6,080</p> <p>Total Deferred: \$1,216 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,864</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. In October 2005, the clarifier 'sled' rake system was rebuilt;</p> <p>b. In January 2006, replaced sludge pump No. 1 and No. 2;</p> <p>c. In August 2006, hired more qualified staff to operate the Facility, replaced a motor on one of the two aeration pumps in the lagoon, increased chemicals and BEF (enzymes) in lagoon and aeration ponds, and began adding liquid enzymes at three lift stations;</p> <p>d. In December 2006, replaced a blower motor with new belt;</p> <p>e. In January 2007, cleaned the ultraviolet light system, also replaced a gear motor and sprocket on the clarifier drive motor; and</p> <p>f. In February 2007, replaced sludge pump motor No. 2.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 14218001.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES

Assigned

12-Mar-2007

PCW

14-Mar-2007

Screening

13-Mar-2007

EPA Due

4-Nov-2007

RESPONDENT/FACILITY INFORMATION

Respondent Diocese of Galveston-Houston

Reg. Ent. Ref. No. RN101523215

Facility/Site Region 12-Houston

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 32931

Docket No. 2007-0384-MWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 1

Order Type 1660

Enf. Coordinator Libby Hogue

EC's Team EnforcementTeam 4

Admin. Penalty \$ **Limit Minimum** \$0 **Maximum** \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$4,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

67% Enhancement

Subtotals 2, 3, & 7

\$2,680

Notes

Twelve months of self-reported effluent violations, one NOV for same or similar violations and one NOV for non-similar violations.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6

\$0

Total EB Amounts \$144
Approx. Cost of Compliance \$1,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$6,680

OTHER FACTORS AS JUSTICE MAY REQUIRE

-9%

Adjustment

-\$600

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Recommended reduction in the penalty so that monthly self reported effluent violations do not overly-impact the penalty amount.

Final Penalty Amount

\$6,080

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$6,080

DEFERRAL

20%

Reduction

Adjustment

-\$1,216

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$4,864

Screening Date 13-Mar-2007

Docket No. 2007-0384-MWD-E

PCW

Respondent Diocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 32931

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	13	65%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
Judgments and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Convictions	Chronic excessive emissions events (number of events)	0	0%
Emissions	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 67%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Twelve months of self-reported effluent violations,
one NOV for same or similar violations and
one NOV for non-similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 67%

Screening Date 13-Mar-2007

Docket No. 2007-0384-MWD-E

PCW

Respondent Diocese of Galveston-Houston

Policy Revision 2 (September 2002)

Case ID No. 32931

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101523215

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 14218001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with the permitted effluent limitations.
See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate Ammonia Nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Carbonaceous Biochemical Oxygen Demand, Total Suspended Solids, and Fecal Coliform were also considered. As a result of this violation, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

241 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$144

Violation Final Penalty Total \$6,080

This violation Final Assessed Penalty (adjusted for limits) \$6,080

Economic Benefit Worksheet

Respondent Diocese of Galveston-Houston
Case ID No. 32931
Reg. Ent. Reference No. RN101523215
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	31-Dec-2005	1-Dec-2007	1.9	\$144	n/a	\$144

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$144

ATTACHMENT

Effluent Violation Table
 Diocese of Galveston-Houston
 TPDES Permit No. 14218001 (Outfall 001A)

Permitted Effluent Limits	Monitoring Period End Date							
	12/31/05	01/31/06	02/28/06	03/31/06	04/30/06	06/30/06	09/30/06	11/30/06
Coliform, Fecal Daily Avg. 200 mg/L	532	955	418	384	345	224	C	805
Coliform, Fecal (Single Grab) 800 mg/L	7600	9800	3600	6400	5800	2700	1691	8800
TSS Daily Max 15 mg/L	33.36	26.80	42.38	C	C	C	C	42.94
TSS Daily Max (Single Grab) 60 mg/L	134.0	C	94.0	C	C	C	C	138.0
CBOD Daily Avg. 10 mg/L	C	11	C	C	C	C	C	C
NH ₃ -N Daily Avg. 0.4 lbs/day	0.74	C	C	C	C	C	C	C
NH ₃ -N Daily Avg. 3 mg/L	C	13.96	C	C	C	C	C	C
NH ₃ -N (Single Grab) 15 mg/L	C	29.70	C	C	C	C	C	C

CBOD = Carbonaceous Biochemical Oxygen Demand

NH₃-N = Ammonia Nitrogen

TSS = Total Suspended Solids

lbs/day = pounds per day

mg/L = milligrams per liter

Avg. = average

C = Compliant

The first part of the report is a general description of the project. It includes the title, the author's name, and the date of the report. The second part is a detailed description of the project, including the objectives, the methods used, and the results obtained. The third part is a conclusion, which summarizes the findings of the project and provides recommendations for future work.

Table 1: Summary of the project results			
Parameter	Value	Unit	Notes
Temperature	25.0	°C	Room temperature
Pressure	1.0	atm	Atmospheric pressure
Time	10.0	min	Duration of the experiment
Distance	1.0	m	Length of the tube
Volume	1.0	L	Volume of the gas
Mass	1.0	g	Mass of the gas
Speed	1.0	m/s	Speed of the gas
Acceleration	1.0	m/s ²	Acceleration of the gas
Force	1.0	N	Force exerted by the gas
Energy	1.0	J	Energy of the gas
Power	1.0	W	Power of the gas
Efficiency	1.0	%	Efficiency of the gas
Reliability	1.0	%	Reliability of the gas
Accuracy	1.0	%	Accuracy of the gas
Precision	1.0	%	Precision of the gas
Resolution	1.0	%	Resolution of the gas
Sensitivity	1.0	%	Sensitivity of the gas
Specificity	1.0	%	Specificity of the gas
Validity	1.0	%	Validity of the gas
Reliability	1.0	%	Reliability of the gas
Accuracy	1.0	%	Accuracy of the gas
Precision	1.0	%	Precision of the gas
Resolution	1.0	%	Resolution of the gas
Sensitivity	1.0	%	Sensitivity of the gas
Specificity	1.0	%	Specificity of the gas
Validity	1.0	%	Validity of the gas

The results of the project are presented in the table above. The table shows the values of various parameters, including temperature, pressure, time, distance, volume, mass, speed, acceleration, force, energy, power, efficiency, reliability, accuracy, precision, resolution, sensitivity, specificity, and validity. The values are all 1.0, which indicates that the project was successful in achieving its objectives.

Compliance History

Customer/Respondent/Owner-Operator: CN600241756 Diocese of Galveston-Houston Classification: AVERAGE Rating: 5.29

Regulated Entity: RN101523215 CIRCLE LAKE RETREAT CENTER Classification: AVERAGE Site Rating: 5.29

ID Number(s): WASTEWATER WASTEWATER PERMIT PERMIT WQ0014218001 TPDES0123587

Location: LOCATED APPRX. 7 MILES SE OF THE INTERSECTION OF FM RD. 1488 AND STATE HWY 249 IN MONTGOMERY COUNTY, TEXAS Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 13, 2007

Agency Decision Requiring Compliance Enforcement

Compliance Period: March 12, 2002 to March 12, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Libby Hogue Phone: 512-239-1165

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 12/06/2005 (497031)
 - 2 12/29/2005 (493372)
 - 3 12/29/2005 (493373)
 - 4 12/29/2005 (493374)
 - 5 12/29/2005 (493375)
 - 6 07/28/2006 (528872)
 - 7 07/28/2006 (528873)
 - 8 07/28/2006 (528874)
 - 9 07/28/2006 (528875)
 - 10 07/28/2006 (528876)
 - 11 07/28/2006 (528877)
 - 12 07/28/2006 (528878)
 - 13 08/30/2006 (488547)
 - 14 03/08/2007 (539707)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/31/2005 (493372)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (493373)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (493374)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (493375)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/06/2005 (497031)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/31/2005 (528878)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (528872)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2006 (528873)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2006 (528874)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2006 (528875)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2006 (528877)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 08/30/2006 (488547)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
 30 TAC Chapter 30, SubChapter J 30.350(d)
 Description: Failure to employ an operator with adequate wastewater certification.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Effluent Limitations, No. 1
 Description: Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS), carbonaceous biochemical oxygen demand (CBOD), ammonia-nitrogen (NH3-N), and fecal coliform bacteria.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Monitoring and Reporting Requirements
 Description: Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limits by more than 40%.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Effluent Limitations, No. 3
 Description: Failure to maintain compliance with the permitted effluent limits for pH.

Date 09/30/2006
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2006
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]
Failure to meet the limit for one or more permit parameter

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DIOCESE OF GALVESTON-
HOUSTON
RN101523215**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0384-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Diocese of Galveston-Houston ("the Diocese") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Diocese appear before the Commission and together stipulate that:

1. The Diocese owns and operates a domestic wastewater treatment facility located approximately seven miles southeast of the intersection of Farm-to-Market Road 1488 and State Highway 249 in Montgomery County, Texas (the "Facility").
2. The Diocese has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Diocese agree that the Commission has jurisdiction to enter this Agreed Order, and that the Diocese is subject to the Commission's jurisdiction.
4. The Diocese received notice of the violations alleged in Section II ("Allegations") on or about March 13, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Diocese of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Six Thousand Eighty Dollars (\$6,080) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Diocese has paid Four Thousand Eight Hundred Sixty-Four Dollars (\$4,864) of the administrative penalty and One Thousand Two Hundred Sixteen Dollars (\$1,216) is deferred contingent upon the Diocese's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Diocese fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Diocese to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Diocese have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Diocese has implemented the following corrective measures at the Facility:
 - a. In October 2005, the clarifier 'sled' rake system was rebuilt;
 - b. In January 2006, replaced sludge pump No. 1 and No. 2;
 - c. In August 2006, hired more qualified staff to operate the facility, replaced a motor on one of the two aeration pumps in the lagoon, increased chemicals and BEF (enzymes) in lagoon and aeration ponds, and began adding liquid enzymes at three lift stations;
 - d. In December 2006, replaced a blower motor with new belt;
 - e. In January 2007, cleaned the ultraviolet light system, also replaced a gear motor and sprocket on the clarifier drive motor; and
 - f. In February 2007, replaced sludge pump motor No. 2.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Diocese has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Diocese is alleged to have failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 14218001 Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on February 7, 2007. See table below.

Effluent Violation Table TPDES Permit No. 14218001 (Outfall 001A) Docket No. 2007-0384-MWD-E								
Permitted Effluent Limits	Monitoring Period End Date							
	12/31/05	01/31/06	02/28/06	03/31/06	04/30/06	06/30/06	09/30/06	11/30/06
Coliform, Fecal Daily Avg. 200 mg/L	532	955	418	384	345	224	C	805
Coliform, Fecal (Single Grab) 800 mg/L	7600	9800	3600	6400	5800	2700	1691	8800
TSS Daily Max 15 mg/L	33.36	26.80	42.38	C	C	C	C	42.94
TSS Daily Max (Single Grab) 60 mg/L	134.0	C	94.0	C	C	C	C	138.0
CBOD Daily Avg. 10 mg/L	C	11	C	C	C	C	C	C
NH ₃ -N Daily Avg. 0.4 lbs/day	0.74	C	C	C	C	C	C	C
NH ₃ -N Daily Avg. 3 mg/L	C	13.96	C	C	C	C	C	C
NH ₃ -N (Single Grab) 15 mg/L	C	29.70	C	C	C	C	C	C

CBOD = Carbonaceous Biochemical Oxygen Demand	lbs/day = pounds per day
NH ₃ -N = Ammonia Nitrogen	mg/L = milligrams per liter
TSS = Total Suspended Solids	Avg. = average
C = Compliant	

III. DENIALS

The Diocese generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Diocese pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Diocese's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Diocese of Galveston-Houston, Docket No. 2007-0384-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Diocese shall within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 14218001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

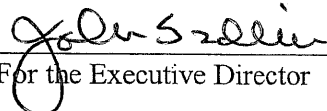
Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Diocese. The Diocese is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Diocese fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Diocese's failure to comply is not a violation of this Agreed Order. The Diocese shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Diocese shall notify the Executive Director within seven days after the Diocese becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Diocese shall be made in writing to the Executive Director. Extensions are not effective until the Diocese receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Diocese in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Diocese, or three days after the date on which the Commission mails notice of the Order to the Diocese, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

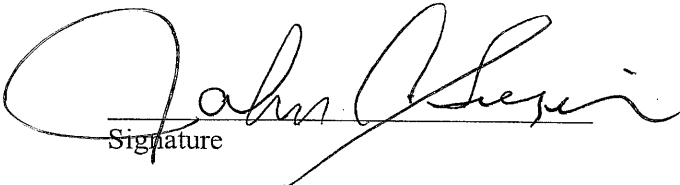
10/18/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

MAY 15, 2007
Date

John A. Sieger

Name (Printed or typed)
Authorized Representative of
Diocese of Galveston-Houston

General Counsel

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

